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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|--------------------------|------------------|
| 10/552,378               | 10/07/2005  | Michel Bardel        | 41052/321449             | 2413             |
| 23370                    | 7590        | 12/14/2007           |                          |                  |
| JOHN S. PRATT, ESQ       |             |                      | EXAMINER                 |                  |
| KILPATRICK STOCKTON, LLP |             |                      | DIXON, ANNETTE FREDRICKA |                  |
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| ATLANTA, GA 30309        |             |                      | ART UNIT                 | PAPER NUMBER     |
|                          |             |                      | 3771                     |                  |
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|                          |             |                      | 12/14/2007               | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/552,378             | BARDEL ET AL.       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Annette F. Dixon       | 3771                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12,15-20,22 and 23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 12,15-20,22 and 23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s) :

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This Office Action is in response to the amendment filed on October 1, 2007. Examiner acknowledges claims 12, 15-20, 22, and 23 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
  - A person shall be entitled to a patent unless –
    - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 12, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Taieb et al. (5,913,307).

As to Claims 12 and 18, Taieb discloses a storage device (36) for emergency equipment (10) for members of aircraft flight crew, said emergency equipment (10) designed to be held on a head of a user, said storage device (36) being adapted so that when said emergency equipment is in a stored position on or in said storage device, the user can take hold of said emergency equipment (10) via at least one grip surface (12), using one hand to place said emergency equipment (10) on the head in an in-use position while keeping said hand in substantially a same position on said grip surface, said storage device (36) being adapted to receive said emergency equipment (10) constituted by at least one information display device (34, on the mask, 10), said display device adapted to be held close to an eye of a user and to project a light signal bearing

information onto the retina of said eye, said storage device (36) comprising a display unit (34, on the storage device, 36) and a test device (test/reset button), which when activated while said emergency equipment is in said storage position, causes a test light signal to be emitted by said display device (34, on the mask, 10), which is visible to the user and enables the user to verify that said display device is operational, said test device (test/reset button) including a control means for triggering emission of said test light signal by said display device (34, on the mask, 10) and transmission means for propagating said test light signal from said (34, on the mask, 10) to said display unit (34, on the storage device, 36) that is visible to the user and enables the user to verify that said display device (34, on the mask, 10) is operational while said emergency equipment (10) is in said storage position. Regarding the limitation of the mask being able to be positioned on the face with one hand, Taieb discloses the mask is able to be donned quickly (Column 2, Lines 46-55). Regarding the limitation of the information display device having a light projected into the eye of the user, Taieb discloses the lights positioned on the mask (Figure 6), inherently the refraction of the light on the mask and near the user's eyes would project some light towards the user's retina. Regarding the test light signal, inherently as lights 34 are used to advise the user of the operational status of the device in operation, when the device is being tested using the test or reset button the lights, 34, would illuminate during operation advising the user of the operational status f the device.

As to Claims 15-16, Taieb discloses a test and reset button on the storage device (36). Depending on the operational status of the device, the lights (34) will illuminate

sending a signal to both the display device (on the mask) and the display unit (on the box). The intermediary structure of this transmission signal is derived by the ability of the device to detect the operation of the device. Regarding the button for the control means, the operation of the test and reset button influence the ability of the signal to be transmitted to the display device (on the mask) or the display unit (on the box). When the device is in operation or being tested, inherently the signal is being transmitted to direct the user to the "on" operation of the device. However, the depression of the button for reset would break the signal transmission to the display device and the display unit.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 17, 19, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taieb et al. (5,913,307) in view of Cordero et al. (6,526,967).

As to Claims 20 and 22, Taieb discloses a storage device for emergency equipment, yet does not expressly disclose the particulars of the storage device to have a frame and flap adapted to receive the emergency equipment. However, at the time the invention was made the use of the particular storage device elements were well known. Specifically Cordero discloses a frame (12: bottom wall 16, side walls 18 open top 20, and door 22) having two flaps (the combination of elements 24 and 26) for opening and closing the emergency equipment within the storage container for the purpose of easing the deployment and restowage of the crew oxygen mask. (Column 2 Line 60 thru Column 3 Line 20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Taieb to include the particulars of the storage device, as taught by Cordero to enable all the equipment to be stored in a manner that enables ease of use.

As to Claims 17, 19, 21, and 23, the system of Taieb as modified by Cordero discloses all the recited elements with the exception of a mask having protective goggles. However, at the time the invention was made the use of a mask having protective goggles was well known. Specifically, Cordero teaches the crew mask may be a full-face mask. (Column 3, Lines 20-38). As known in the art, full-face masks cover not only the breathing passage of the user but also provide protective eyewear, thereby affording the user greater protection against the surrounding environment. Therefore, it would have been obvious to one having ordinary skill in the art to modify

the device of Taieb to include a mask with protective goggles, as taught by Cordero and known in the art for protecting the user against the surrounding environment.

***Response to Arguments***

7. Applicant's arguments filed October 1, 2007 have been fully considered but they are not persuasive. Applicant asserts the prior art made of record does not teach or fairly suggest: 1) the concurrent use of lights on the display device and the display unit, 2) the transmission of a signal from the display device to the display unit, and 3) the operation of the test reset button. Examiner respectfully disagrees.

Regarding Applicant's first assertion, Taieb teaches the embodiments disclosed within the patent are not limiting or exclusionary in nature (Column 2, Lines 18-22). Intrinsically, Taieb's teachings of the placements of the lights on the display device and the teachings of the placements of lights on the display unit are supported.

Regarding Applicant's second assertion, discloses a test and reset button on the storage device (36). Depending on the operational status of the device, the lights (34) will illuminate sending a signal to both the display device (on the mask) and the display unit (on the box). The intermediary structure of this transmission signal is derived by the ability of the device to detect the operation of the device.

Regarding Applicant's third assertion, the use of a test and reset buttons are known in the art for the purpose of enabling the user to check the operational status of a device. Therefore, regarding the button for the control means, the operation of the test and reset button influence the ability of the signal to be transmitted to the display device

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(on the mask) or the display unit (on the box). When the device is in operation or being tested, inherently the signal is being transmitted to direct the user to the "on" operation of the device. However, the depression of the button for reset would break the signal transmission to the display device and the display unit.

In conclusion, in light of the aforementioned reasons, the rejection of the claims has been maintained.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette F. Dixon whose telephone number is (571) 272-3392. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Annette F Dixon  
Examiner  
Art Unit 3771



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12/12/07